

Stacey R. Blansky, Esq. (SB6371)
LAW OFFICE OF TERESA M. SPINA
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(516) 496-5822

*Counsel for Plaintiffs, Government Employees Insurance Co.,
GEICO Indemnity Co., GEICO General Insurance Company
and GEICO Casualty Co.*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE
CO., GEICO INDEMNITY CO., GEICO GENERAL
INSURANCE COMPANY and GEICO
CASUALTY CO.

Docket No.: 11-CV-3781
(KAM) (VVP)

Plaintiffs,

-against-

NOTICE OF MOTION FOR
DEFAULT JUDGMENT
AGAINST
ROPA, INC.

THREEONIX SUPPLY CORP.
PAVEL ILLINSKY
LEICA SUPPLY, INC.
GRIGORY BRANFENBRENER

the "Retail Defendants",

-and-

NEW STEP SERVICES, INC.
JOHN DOE "1" (Identity not presently known but intended
to be the owner of New Step Services, Inc.)
ROPA, INC.,
JOHN DOE "2" (Identity not presently known but intended
to be the owner of Ropa, Inc.)
GALASA WHOLESALE INC.,
JOHN DOE "3" (Identity not presently known but intended
to be the owner of Galasa, Inc.)

the "Wholesale Defendants"

-and-

BEDFORD MEDICAL CARE, P.C.
CAREGIVER CHIROPRACTIC, P.C.
CURE MEDICAL SERVICES, P.C.
DXR OCEAN MEDICAL SERVICES, P.C.
TARGEE MEDICAL SERVICES, P.C.
NEW QUALITY MEDICAL, P.C.
S.S. MEDICAL CARE, P.C.
VAN COURTLAND MEDICAL CARE, P.C.

the "Clinic Defendants"

-and-

RONALD DIAMANT, D.C.
RAMY HANNA, M.D.
MARC RICHARD HILAIRE, M.D.
DEMETRIOS KARAKIZIS, D.C.
CARMEN ISABEL OLMEDO, M.D.*
DMITRIY RATSEBERG, M.D.
DENNY XAVIER RODRIGUEZ, M.D.
EDDY RODRIGUEZ, M.D.
ROMAN VLADIMIROVICH VAYNSHTEYN, D.C.
GUY VILLANO, D.C.
YULIYA VINOKUROVA, M.D.
CONRAD ROBERT WILLIAMS, M.D.
CHANTAL THERESA HILAIRE, M.D.
STEPHEN SILVERMAN, M.D.

the "Physician Defendants"
Defendants.

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PLEASE TAKE NOTICE that, upon the attached Declaration of Stacey R. Blansky, Esq. dated March 31, 2012, Memorandum of Law and the exhibits annexed thereto, and upon all prior pleadings and proceedings had herein, Plaintiffs Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company and GEICO Casualty Company respectfully move this Court, before the Honorable Kiyo A. Matsumoto at the United States District Court for the Eastern District of New York, 225 Cadman Plaza, Brooklyn, New York, for an Order pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Civil Rule 55.2(b) for the Entry of a Default Judgment in the form annexed as against Ropa, Inc.

Dated: Woodbury, New York
March 31, 2012

By: 

Stacey R. Blansky, Esq. (SB6371)
LAW OFFICE OF TERESA M. SPINA
170 Froehlich Farm Blvd
Woodbury, New York 11797
(516) 496-5822

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GOVERNMENT EMPLOYEES INSURANCE
CO., GEICO INDEMNITY CO., GEICO GENERAL
INSURANCE COMPANY and GEICO
CASUALTY CO.,

Plaintiffs,

-against-

THREEONIX SUPPLY CORP.

PAVEL ILLINSKY

LEICA SUPPLY, INC.

GRIGORY BRANFENBRENER

the "Retail Defendants",

-and-

NEW STEP SERVICES, INC.

JOHN DOE "1" (Identity not presently known but
intended to be the owner of New Step Services, Inc.)

ROPA, INC.

JOHN DOE "2" (Identity not presently known but
Intended to be the owner of Ropa, Inc.)

GALASA WHOLESALE INC.,

JOHN DOE "3" (Identity not presently known but
intended to be the owner of Galasa, Inc.),

the "Wholesale Defendants",

-and-

BEDFORD MEDICAL CARE, P.C.

CAREGIVER CHIROPRACTIC, P.C.

CURE MEDICAL SERVICES, P.C.

DXR OCEAN MEDICAL SERVICES, P.C.

TARGEE MEDICAL SERVICES, P.C.

NEW QUALITY MEDICAL, P.C.

S.S. MEDICAL CARE, P.C.

VAN COURTLAND MEDICAL CARE, P.C.

the "Clinic Defendants",

-and-

RONALD DIAMANT, D.C.

RAMY HANNA, M.D.

MARC RICHARD HILAIRE, M.D

DEMETRIOS KARAKIZIS, D.C.

CARMEN ISABEL OLMEDO, M.D.*

Docket No.: **11-CV-3781**
(KAM) (VVP)

**DECLARATION OF
STACEY R. BLANSKY
IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT AGAINST
ROPA, INC.**

DMITRIY RATSENBERG, M.D.
DENNY XAVIER RODRIGUEZ, M.D.
EDDY RODRIGUEZ, M.D.
ROMAN VLADIMIROVICH VAYNSHTEYN, D.C.
GUY VILLANO, D.C.
YULIYA VINOKUROVA, M.D.
CONRAD ROBERT WILLIAMS, M.D.
CHANTAL THERESA HILAIRE, M.D.
STEPHEN M. SILVERMAN, M.D.

the "Physician Defendants",
Defendants.

-----X
STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

Stacey R. Blansky, being duly sworn, deposes and says:

1. I am an attorney with the Law Offices of Teresa M. Spina, attorneys for Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company, and GEICO Casualty Co., and, as such, am fully familiar with the facts of this matter. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Civil Rule 55.2(b), this affidavit is submitted in support of Plaintiff's motion for a default judgment against Ropa, Inc. ("Ropa"), a "Wholesale Defendant" which has submitted false and fraudulent invoices for durable medical equipment thus furthering a scheme to submit false and fraudulent claims for durable medical equipment to Plaintiffs.

2. Plaintiff filed the Complaint in the above-captioned action on August 4, 2011, a copy of which is annexed hereto as Exhibit "A". Service was effectuated upon this defendant on February 16, 2012 in accordance with the proof of service annexed hereto as Exhibit "A." (All Exhibits to the Complaint were electronically filed under Document 1, attached as 2 - 6).

3. On November 1, 2011, the Clerk of the Court noted the default and filed the Clerk's certificate of default. A copy of the Certificate of Default is attached hereto as Exhibit "B".

4. Upon this motion, Plaintiffs request the entry of a judgment against Ropa, Inc. on the Eighth and Eleventh Claims for Relief (Eighth and Eleventh Causes of Action). By its failure to answer or otherwise defend the Complaint against it, Ropa has conceded the allegations of these claims. There are no material questions of fact at issue and proper service was effected (Exhibit "A"), therefore a default judgment is appropriate.

5. As a joint tortfeasor with Branfenbrener and Galasa on the eighth claim for relief, Ropa is jointly and severally liable for the damages incurred by Plaintiffs pertaining to the activities alleged and conceded in the Eighth cause of action and which is set forth in the Eighth Claim for Relief.

6. As a joint tortfeasor with Galasa and the Physician and Clinic Defendants on the eleventh claim for relief, Ropa is jointly and severally liable for the damages incurred by the Plaintiffs pertaining to the activities alleged and conceded in the Eleventh cause of action and which is set forth in the Eighth Claim for Relief.

7. The damages demanded from Ropa are set forth in the Statement of Damages attached as Exhibit "C" to this motion.

8. Sunil Khandpur, Claims Manager for Government Employees Insurance Co., has informed and represented to me that upon his review of Plaintiffs' records and files which are created and maintained in the regular course of its business, that Plaintiffs have paid \$48,906.76 to Leica as a direct result of Ropa's submission of false and fraudulent invoices for wholesale medical equipment in furtherance of the scheme to submit false and fraudulent claims for durable medical equipment to the Plaintiffs. Those claims are identified in the Eighth and Eleventh Claims for Relief.

9. Plaintiffs are entitled to compensatory damages and treble damages on the Eighth

Claim for Relief which is for Violation of 18 U.S.C. 1962(d). Therefore, Plaintiffs seek compensatory damages of at least \$48,906.76 plus treble damages of at least \$146,720.28 or, alternatively, an amount to be determined by the U.S. Magistrate Judge on inquest on the Third Claim of Relief.

10. Plaintiffs are entitled to compensatory damages on the Eleventh Claim for Relief which is for Aiding and Abetting Fraud. Therefore, Plaintiffs seek compensatory damages of at least \$48,906.76 or, alternatively, an amount to be determined by the U.S. Magistrate Judge on inquest on the Sixth Claim for Relief. Additionally, due to the serious nature of its actions and the Leica fraudulent scheme which Ropa facilitated, coupled with the public interest to hinder the fraud which has permeated New York No-Fault Insurance (*see, Matter of Medical Socy. of State of N.Y. v Serio*, 100 NY2d 854), Plaintiff's respectfully submit that the Court order punitive damages in an amount of at least \$100,000.00.

11. Plaintiffs do not waive their right to seek any other damages, including attorney's fees, from any of the remaining defendants in this action.

WHEREFORE, Plaintiffs respectfully move this Court to enter judgment by default against Ropa, Inc. in the amount set forth in the Statement of Damages or, alternatively, an amount to be determined by the U.S. Magistrate Judge on inquest.

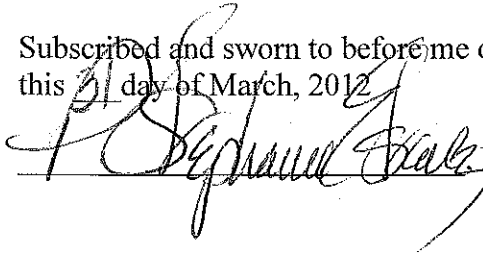
I hereby swear, under the penalties of perjury, that the preceding representations are true to the best of my knowledge, information, and belief; and that the amount claimed within is due

and owing to the Plaintiffs; and that no part of the amount claimed has been paid.

Dated: Woodbury, New York
March 31, 2012


STACEY R. BLANSKY

Subscribed and sworn to before me on
this 31 day of March, 2012


Notary Public

P. STEPHANIE ESTEVEZ
NOTARY PUBLIC, State of New York
No. 02ES6189653
Qualified in Suffolk County
Commission Expires June 30,